



Entered on Docket  
October 13, 2009

A handwritten signature in black ink, appearing to read "R. Linda Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR<sup>1</sup>

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR<sup>2</sup>

Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED  
UPON INVESTMENT IN BAR USA LOAN**

Hearing Date: October 5, 2009

Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1       The Court having considered the “Fourth Omnibus Objection of USACM Trust to  
2 Proofs of Claim Based Upon Investment in BarUSA Loan,” [Docket No. 7346], (the  
3 “Objection”); with appropriate notice of the Objection having been given; no response to  
4 the Objection having been filed; and good cause appearing:

5           **IT IS HEREBY ORDERED:**

6           1.     The Objection is sustained; and  
7           2.     The claims listed in **Exhibit A** based upon a Direct lender investment  
8                          in the BarUSA loan are disallowed in their entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10           **LEWIS AND ROCA LLP**

11           By /s/ Marvin Ruth (#10979)

12           Rob Charles  
13           John Hinderaker (*pro hac vice*)  
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19           *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- The Court waived the requirements of LR 9021.
- No parties appeared or filed written objections, and there is no trustee appointed in this case.
- I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

## **LEWIS AND ROCA LLP**

By: /s/ Marvin Ruth (#10979)

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Rob Charles  
John Hinderaker (*pro hac vice*)  
Marvin Ruth  
*Attorneys for USACM Liquidating Trust*

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan</b>
10725-00686	Ward Ira, Susan J	26077 Charing Cross Rd Valencia, CA 91355-2029	60,000.00	60,000.00
10725-01786	Worthing, Ralph E & Maryanne H	443 Arboles Dr Bishop, CA 93514	20,430.00	20,430.00

**EXHIBIT A**

2081594.1